

TRIPURA GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Friday, January 27, 2023 A. D., Magha 7, 1944 S. E.

PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
DEPARTMENT OF FISHERIES

NO.F.16(88)/Fish/Court/2021-22/2242-97

Dated, Agartala, the 21-01-2023.

MEMORANDUM

Sri Gouranga Chandra Sarkar, THFS Gr-IV, Superintendent of Fisheries, petitioner was serving as the Superintendent of Fisheries, Government of Tripura since 27.11.1995. An allegation was made to SC Welfare Department against him with regard to his scheduled Caste status. The State Level Scrutiny Committee returned a finding that scheduled caste certificate is liable to be cancelled and in reference to the communication of the Member Secretary, State level scrutiny committee (Director of Welfare of SCs) vide No. F.2-137(MTB-2) SCW/GL/98/13303/dated 20-10-2016, Sri Gouranga Chandra Sarkar, THFS Gr-IV, Superintendent of Fisheries was terminated from the service vide Notification No. F.2-1089(P)/Fish/2011-12/Part/36077-106 dated 28th October, 2016 of this Department. Thereafter, ventilating his grievances, Sri Gouranga Chandra Sarkar, THFS Gr-IV had moved various courts since 2016.

2. Finally, Sri Gouranga Chandra Sarkar, THFS Gr-IV filed a writ petition marked as WP(C) No.462 of 2021, before the Hon'ble High Court of Tripura, which was disposed of by the Hon'ble Single Judge, vide a Judgment & order dated 22.03.2022 and affirmed by the Division Bench of Hon'ble High Court of Tripura and subsequently Judgment & order passed on 06.12.2022 & 19/01/2023 with a direction for compliance of the judgment of Hon'ble High Court of Tripura passed on 22-03-2022 within 7 days.

3. The Hon'ble High Court of Tripura also directed for compliance of the order within a period of one week from the date of Judgment and order, whose operative part for Fisheries Department includes the following :-

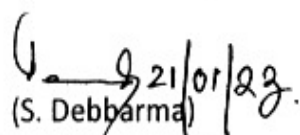
(i) The order of cancellation and confiscation dated 15-05-2021 directing the petitioner to return their Scheduled Caste certificates to the office of the Director for Welfare of Scheduled Castes stands set aside and quashed.

(ii) It is held that the petitioner (Sri Gouranga Chandra Sarkar) have established their claim for "Namasudra", Scheduled Caste community.

(iii) The Scheduled Caste certificates granted in favour of the petitioners stand restored and these are treated to be valid in the eye of law for all purposes.

- (iv) The petitioner shall be re-instated in service.
- (v) The termination order issued by the employer upon the petitioner also stand quashed.
- (vi) The petitioner shall not be entitled to any back wages.
- (vii) The petitioners shall be entitled to all service benefits including seniority and intervening promotions, if any ; and
- (viii) The pay and allowances of the petitioners shall be fixed notionally for the purpose of their pensions.

4. Accordingly in compliance of the judgment and order of Hon'ble High Court of Tripura Passed on 19/01/2023 in the WP(C)183 of 2022, Sri Gouranga Chandra Sarkar, THFS Gr-IV, Superintendent of Fisheries is hereby reinstated in the service with effect from the date Sri Sarkar joins the service at Directorate of Fisheries, Gurkhabasti, Agartala, subject to outcome of SLP if any filed.


(S. Debbarma)
Under Secretary to
the Govt. of Tripura

To

Sri Gouranga Chandra Sarkar, THFS Gr-IV, Superintendent of Fisheries for information and necessary action.